



D&M 8/03

PTO/SB/26 (08-03)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
JPS-30-CIP-CON3In re Application of: **Underwood, et al.**

Application No.: 10/643,387

Filed: August 19, 2003

For: **Water Resistant Protective Garment For Fire Fighters**

The owner Safety Components Fabric Technologies, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,606,749. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record.

Joey K. Underwood
Signature Date

Joey K. Underwood
Typed or printed name

964-240-2689
Telephone Number

11/17/2004 WASFAW1 00000014 10643387

02 FC:1014

110.00 OP

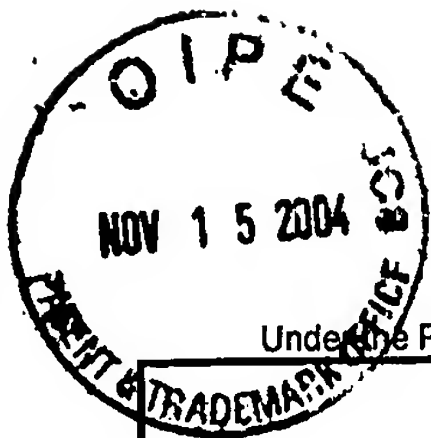
- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Safety Components Fabric Technologies, Inc.Application No./Patent No.: 10/643,387 Filed/Issue Date: August 19, 2003Entitled: Water Resistant Protective Garment For Fire FightersSafety Components Fabric Technologies, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 9744, Frame 0082, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
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Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Nov. 1, 2004

Date

864-240-2689

Telephone number

Joey K Underwood

Typed or printed name

J. K. Underwood

Signature

Ar. Vice President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



MAY 06, 1999



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DORITY & MANNING, P.A.
TIMOTHY A. CASSIDY
P.O. BOX 1449
GREENVILLE, SC 29602-1449



100962784A

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RECORDATION DATE: 02/01/1999

REEL/FRAME: 9744/0082
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

UNDERWOOD, JOEY K.

DOC DATE: 01/27/1999

ASSIGNOR:

KELLEY, T. DOYLE

DOC DATE: 01/27/1999

ASSIGNEE:

SAFETY COMPONENTS FABRIC
TECHNOLOGIES, INC.
40 EMERY STREET
GREENVILLE, SOUTH CAROLINA 29605

SERIAL NUMBER: 09188635
PATENT NUMBER:

FILING DATE: 11/09/1998
ISSUE DATE:

RECEIVED

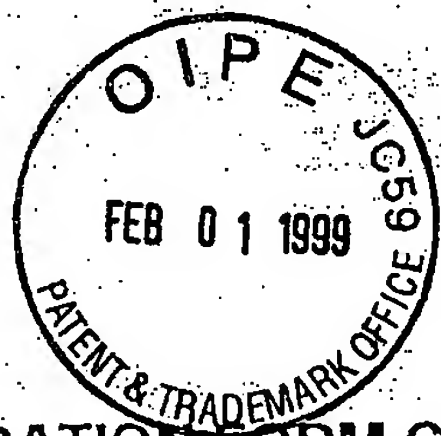
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9744/0082 PAGE 2

STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
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Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Name (line 1) Joey K. Underwood

Execution Date
Month Day Year
1 27 99Name (line 2)

Second Party

Name (line 1) T. Doyle Kelley

Execution Date
Month Day Year
1 27 99Name (line 2)

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1) Safety Components Fabric Technologies, Inc.

Name (line 2)

Address (line 1) 40 Emery Street

Address (line 2)

Address (line 3) Greenville

South Carolina

29605

City

State/Country

Zip Code

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Correspondent Name and Address

Area Code and Telephone Number 864-271-1592

Name Timothy A. Cassidy

Address (line 1) DORITY & MANNING, P.A.

Address (line 2) P. O. Box 1449

Address (line 3) Greenville, SC 29602-1449

Address (line 4)

Pages

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3

Application Number(s) or Patent Number(s)

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Patent Application Number(s)

Patent Number(s)

09/188,635

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number
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has not been assigned.

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Number of Properties

Enter the total number of properties involved.

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ 40.00

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Deposit Account ☐

Deposit Account Number:

04-1403

Authorization to charge additional fees:

Yes

☒

No

☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Timothy A. Cassidy

Name of Person Signing

Signature

January 27, 1999

Date

ASSIGNMENT

WHEREAS, we, Joey K. Underwood, a citizen of the United States and resident of 106 River Forest Lane, Greenville, South Carolina 29615; and T. Doyle Kelley, a citizen of the United States and resident of 1623 East Saluda Lake Road, Greenville, South Carolina 29611, have invented certain improvements in Water Resistant Protective Garment for Fire Fighters, as described in a patent application for U. S. patent filed on November 9, 1998 having United States Serial No. 09/188,635; and

WHEREAS, Safety Components Fabric Technologies, Inc., a corporation of the State of Delaware, and whose address is 40 Emery Street, Greenville, South Carolina 29605, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents obtained therefor;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, we do hereby sell, assign and transfer unto said Safety Components Fabric Technologies, Inc., its successors and assigns, the entire right, title and interest in and to said invention or inventions, as described in the aforesaid application, in any form or embodiment thereof, and in and to the aforesaid application, and in and to any applications filed in any foreign country based thereon, including the right to file said foreign applications under the provisions of International

Convention; also the entire right, title and interest in and to any and all patents or reissues or extensions thereof to be obtained in this or any foreign country upon said invention, inventions, or improvements and any divisional, continuation, continuation-in-part or substitute applications which may be filed upon said invention, inventions, or improvements in this or any foreign country, and we hereby authorize and request the issuing authority to issue any and all patents on said application or applications to said Safety Components Fabric Technologies, Inc., as assignee of the entire interest.

We further agree, without any payment by Safety Components Fabric Technologies, Inc. other than expenses incurred by the undersigned, to communicate to said Safety Components Fabric Technologies, Inc., its representatives or agents, any facts relating to said invention, or inventions or improvements, including evidence for interference purposes or for other legal proceedings, whenever requested; and to execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, we have hereunto set our hands and seal this 27 day of January, 1999.

Joey K. Underwood
Joey K. Underwood

STATE OF South Carolina)
COUNTY OF GREENVILLE)

On this 27th day of JANUARY, 1999, before me personally appeared Joey K. Underwood, to me personally known, and known to me to be the person who signed the foregoing assignment, and acknowledged the signing of same as his free act and deed.

Carol C. Scott
Notary Public for S.C. (SEAL)

My commission expires: 10-01-03

T. Doyle Kelley
T. Doyle Kelley

STATE OF South Carolina)
COUNTY OF GREENVILLE)

On this 27th day of JANUARY, 1999, before me personally appeared T. Doyle Kelley, to me personally known, and known to me to be the person who signed the foregoing assignment, and acknowledged the signing of same as his free act and deed.

Carol C. Scott
Notary Public for S.C. (SEAL)

My commission expires: 10-01-03